

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Wireline Competition Bureau Seeks Comment)	WC Docket No. 10-90
on Areas Shown as Unserved on the National)	
Broadband Map for Connect America Phase I)	
Incremental Support)	

To: Chief, Wireline Competition Bureau

**COMMENTS OF MYAKKA COMMUNICATIONS, INC.
IN RESPONSE TO PUBLIC NOTICE**

Myakka Communications, Inc. (“Myakka”), by its attorneys and pursuant to Sections 1.415 and 1.419, hereby submits these Comments in response to the December 5, 2012 Public Notice of the Wireline Competition Bureau (“Bureau”) in the above-referenced docket (the “*Public Notice*”).¹ The *Public Notice* seeks input on the list of potentially unserved census blocks in price cap territories (the “Unserved List”), with “unserved” meaning “completely or partially unserved by fixed terrestrial broadband with advertised speeds of 3 Mbps downstream and 768 Kbps upstream.”² Myakka provides the following information regarding certain census blocks that are currently included in the Unserved List, but which Myakka believes should be considered “served” and thus removed from the list and thereby deemed ineligible for CAF funding.

¹ Public Notice, *Wireline Competition Bureau Seeks Comment on Areas Shows as Unserved on the National Broadband Map for Connect America Phase I Incremental Support*, DA 12-1961 (rel. Dec. 5, 2012). See also Public Notice, *Wireline Competition Bureau Updates the List of Potentially Unserved Census Blocks in Price Cap Areas and Extends the Deadline for Comment on the List*, DA 12-2001 (rel. Dec. 10, 2012).

² *Public Notice* at 1.

I. **The Unserved List Understates Myakka's Coverage of Certain Census Blocks.**

Myakka is a fixed terrestrial broadband provider in rural Sarasota and Manatee counties in Florida. Its sister company, Myakka Technologies, Inc., provides fixed wireless services. Myakka was formed in February 2010 to apply for federal funding under the Recovery Act to provide broadband service to “unserved” and “underserved” areas in these counties. In September 2010, the Rural Utilities Service (“RUS”) awarded to Myakka a Broadband Initiatives Program (“BIP”) grant-loan in the amount of \$7,855,726 (# FL1105-A40). With the assistance of this award, Myakka is constructing and providing terrestrial broadband service in portions of Manatee and Sarasota counties.³ A copy of the map depicting the proposed funded service area (“PFSA”) is attached hereto as Attachment A.

In responding to the *Public Notice*, Myakka compared the Unserved List with the list of census blocks that it is either serving or will serve under the BIP award. In accordance with the Bureau's instructions,⁴ Myakka is providing as Attachment B hereto a list of the census blocks that Myakka believes should be removed from the Unserved List. These census blocks are depicted on Attachment C, which shows the census blocks within Myakka's PFSA. The census blocks shown in purple are not on the Unserved List; the census blocks shown in yellow are “underserved” as defined in the RUS funding rules; and the census blocks shown in red are “unserved.” These census blocks are located in portions of Manatee and Sarasota counties where Myakka is presently providing, or is currently implementing, fixed terrestrial broadband service exceeding the 3 Mbps/768 Kbps standard.

³ See *id.* at 1 (“The Bureau . . . seeks comment on whether any of the census blocks on the list are served through the Broadband Initiatives Program or the Broadband Technology Opportunities Program.”).

⁴ See *Public Notice* at 2.

In addition, Myakka is providing as Attachment D a map it provided in August 2012 to the Tampa Bay Regional Planning Council (“TBRPC”), which is handling broadband mapping for the State of Florida. This map depicts the areas where Myakka has already constructed its funded fiber network. Myakka believes it has complied with all of TBRPC’s requests for information in connection with the National Broadband Map, and expects that updated information will be reflected in the June 2012 (Round 6) version and subsequent versions.⁵ To date, Myakka has deployed approximately 1.2 million feet of fiber. Pursuant to its BIP award, Myakka is continuing to build out and fully expects to timely complete construction within the PFSA shown on Attachments A and C.⁶

Consideration of this information is critical to the accuracy of data concerning the availability of fixed terrestrial broadband service in the affected census blocks. While some of these census blocks may have been unserved at the time of publication of the December 2011 National Broadband Map, they are presently served, or will be served, by Myakka’s BIP-funded terrestrial broadband service.⁷

II. The “Unserved” Census Blocks That Myakka Serves or are Covered by its BIP Award Should be Removed from the Unserved List.

As demonstrated by the information set forth above and in the attachments, certain census blocks currently included on the “Unserved List” are, in fact, presently receiving or will soon receive fixed terrestrial broadband service from Myakka through the BIP project. Those specific census blocks are listed in Attachment B and depicted in red on Attachment C. Myakka has

⁵ If appropriate, Myakka will supplement the record in this proceeding to reflect additional build-out and/or to show the effects on subsequent versions of the National Broadband Map.

⁶ Myakka notes that it timely filed its 2012 FCC Form 477 indicating the service areas to which Myakka provided service as of June 30, 2012.

⁷ See *Public Notice* at 2 n.2 (“[T]here may . . . be subsequent updates that commenters have already relayed to their state mapping entities (e.g., a census block was unserved in 2011, but has since become served).”)

diligently undertaken construction and service obligations under its BIP award and has provided information about the implementation of this service to the relevant state mapping entity.

Myakka respectfully asks that the Bureau remove the referenced census blocks from the Unserved List and declare these census blocks ineligible for CAF funding.

Respectfully submitted,

Myakka Communications, Inc.

By: /s/
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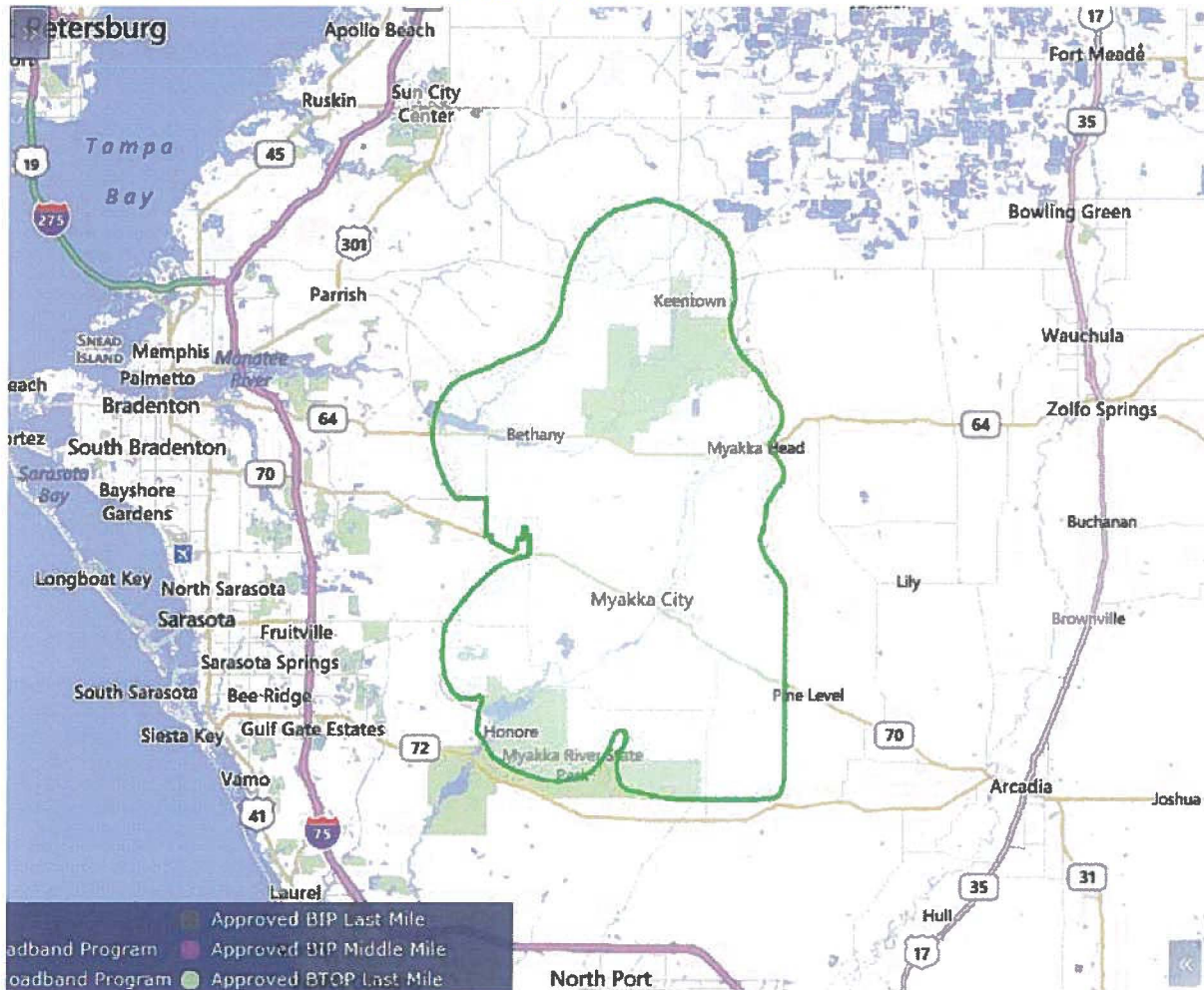
January 9, 2013

Its Attorneys

ATTACHMENT A

[List of Public Notice Filings](#) > [View Public Notice Filing](#) > All Service Area Maps

COMBINED SERVICE AREA MAPS



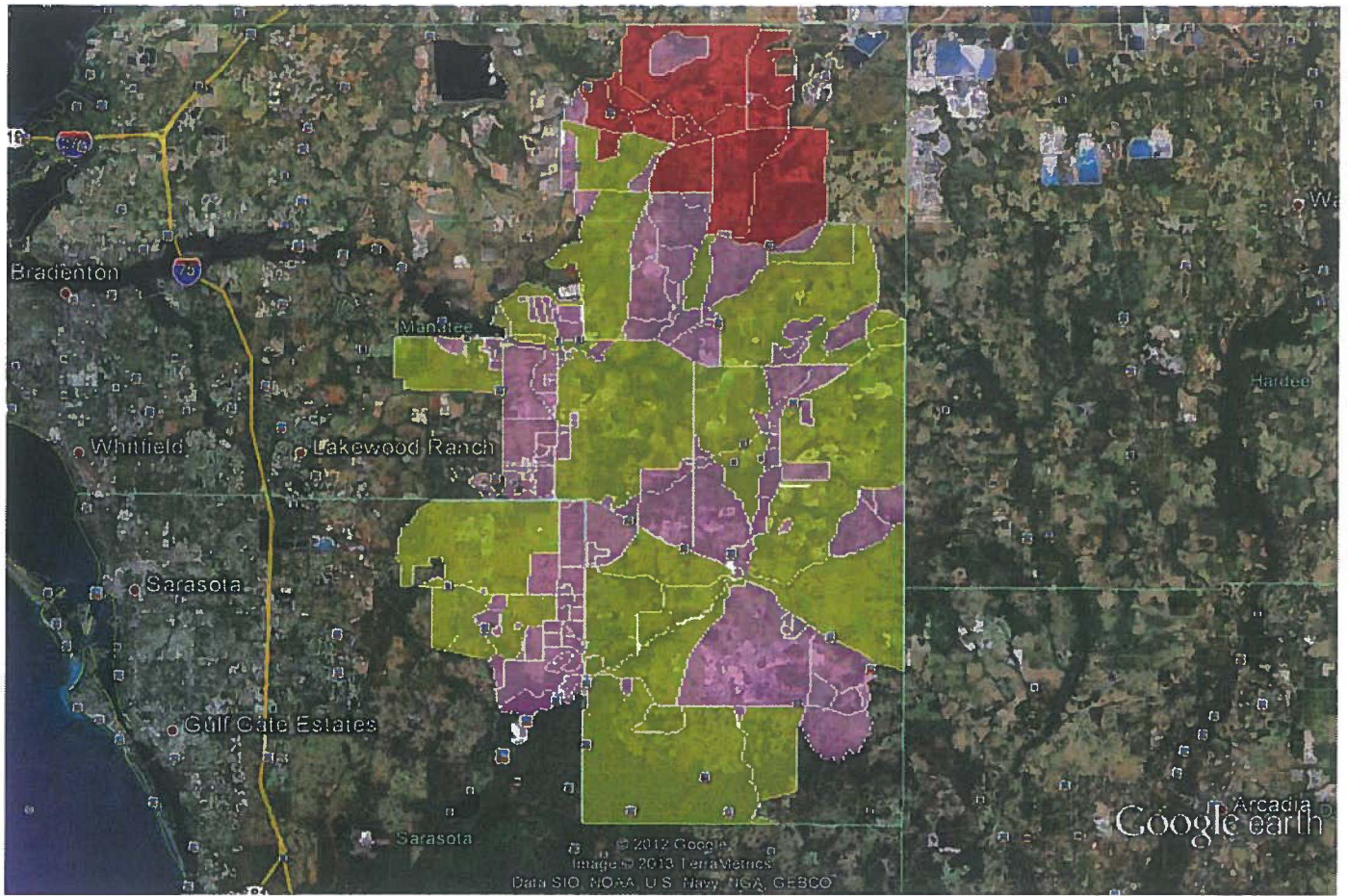
ATTACHMENT B

block_fips

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ATTACHMENT C

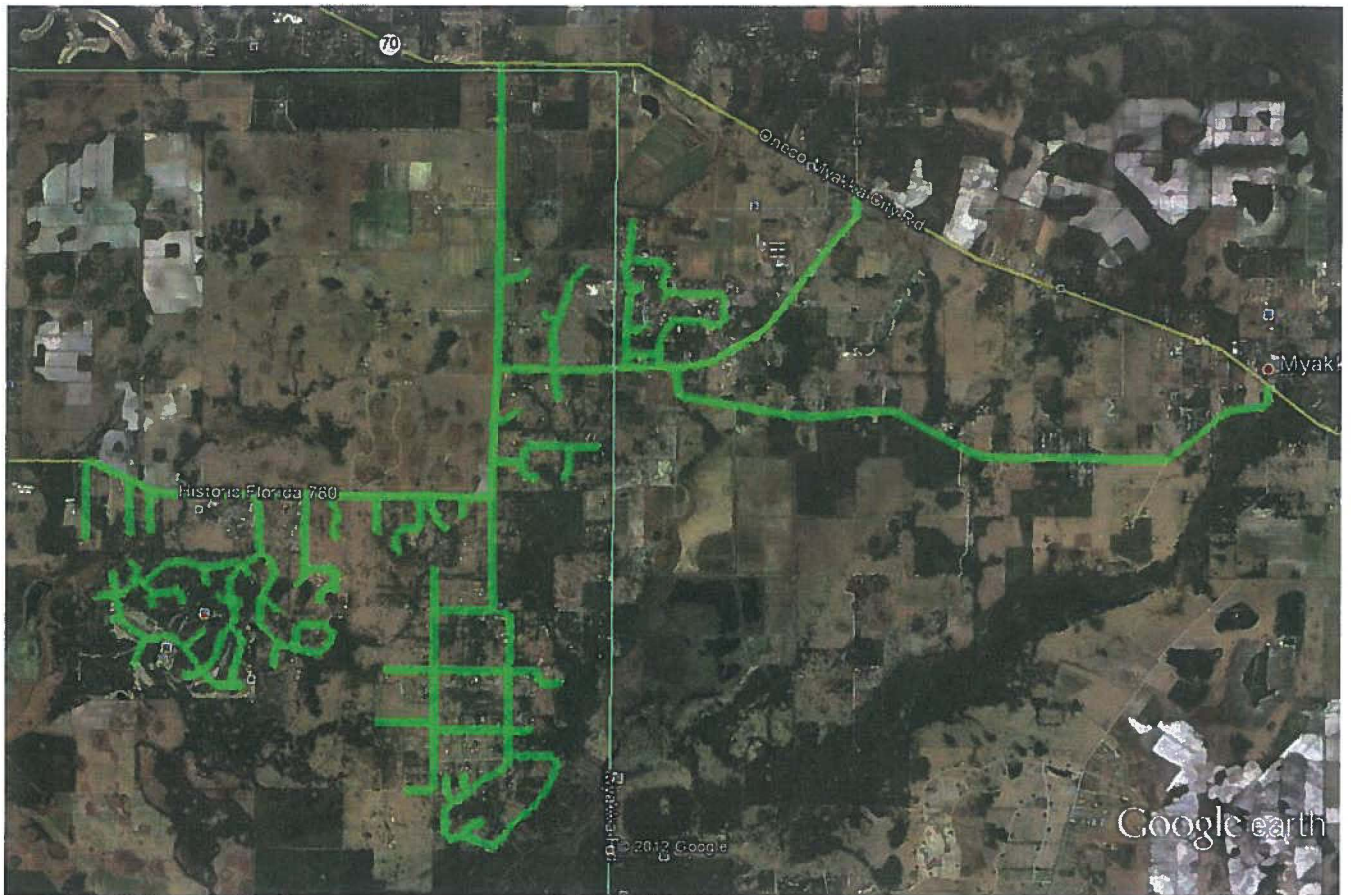


Google earth

miles
km



ATTACHMENT D



Google earth



CERTIFICATE OF SERVICE

I, Genevieve F. Edmonds, hereby certify that on this 9th day of January 2013, I caused a true and correct copy of the foregoing Comments of Myakka Communications, Inc. in Response to Public Notice to be served on the following by first class mail, postage prepaid.

Maggie McCready
Vice President
Federal Regulatory Affairs
Verizon
1300 I Street, NW, Suite 400 West
Washington, DC 20005



Genevieve F. Edmonds